

UNITED STATES DISTRICT COURT, FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

RECEIVED
DEC 28 2020

KHALIF ABDUL QAWI MUJAHID
KEITH EUGENE GAFFNEY-BEY / AKA
PETITIONER

v.

NUMBER:

UNITED STATES OF AMERICA
RESPONDENT

PETITIONER'S MOTION FOR THIS HONORABLE COURT
TO ORDER A PUBLIC DEFENDER TO REVIEW
THE PETITIONER'S COMPASSIONATE RELEASE
MOTION, TO DETERMINE IF THE MOTION
PRESENTS EXTRAORDINARY AND COMPULSORY REASONS
THAT WARRANT APPOINTMENT OF COUNSEL,
FOR A SECOND LOOK AT RESENTENCING
UNDER THE ACT WHICH THE PETITIONER ASSERTS
THAT IT DOES.

PETITIONER RESPECTFULLY ASK THAT THIS COURT
REVIEW PETITIONER'S COMPASSIONATE RELEASE
MOTION, PURSUANT TO 18 U.S.C. 3582 (C) (1)
(A), AND ORDER THE PUBLIC DEFENDER'S OFFICE
TO DO THE SAME, AND IF THIS COURT OR THE
PUBLIC DEFENDER'S OFFICE FINDS THAT THE
MOTION PRESENTS EXTRAORDINARY AND COMPULSORY
REASONS UNDER THE SENTENCE COMMISSION'S
CRITERIA, AND OTHER COURT PRECEDENT THAT
CLEARLY WARRANT A SECOND LOOK AT RESENTEN-
CING. THAT THIS COURT PURSUANT TO 18 U.S.C.
3606 (A) IN THE INTEREST OF JUSTICE
APPOINT COUNSEL. THE PETITIONER HOPES THAT
THE COURT APPOINTS COUNSEL FOR THE
FOLLOWING REASONS.

THE PETITIONER IS SERVING A LIFE SENTENCE FOR 18 U.S.C. 848(B)(8) CASE FOR A PRISON CASE THAT HAD PRISON DRUG ADDICTS, AND PRISON INFORMANTS THAT DIDN'T KNOW PETITIONER TESTIFY FOR PLEA BARGAINS, AND MONEY THAT THE U.S. ATTORNEY'S OFFICE PAID THEM FOR BEING ON THEIR PAYROLL FOR BEING GOVERNMENT WITNESSES.

PETITIONER HAS BEEN INCARCERATED SINCE I WAS 19-YEARS OLD, SINCE SEPTEMBER 19, 1973, ON D.C. CASE SENTENCES. PETITIONER HAS BEEN IN FEDERAL CUSTODY SINCE MAY 17, 1994, AND WAS CONVICTED ON MY 18 U.S.C. 848(B) CASE IN MAY 1995.

PETITIONER, HAS BEEN HELD HERE AT FLORENCE, SUPER MAX, FOR THE LAST 24-YEARS, ALMOST A QUARTER OF A CENTURY. PETITIONER, IS NOW 66-YEARS OLD, WITH A SERIES OF MEDICAL CONDITIONS, HEPATITIS-C, MACULAR DEGENERATION IN MY EYES, MODERATE SEVERE ASTHMA, WHICH THE CDC CONFIRMS IS A SERIOUS LUNG DISEASE, AND I'M BEING MEDICATED FOR AN ENLARGED PROSTATE THAT I HAD SURGERY FOR 6-YEARS AGO.

PETITIONER, IS AT A HIGH RISK OF BEING INFECTED AND SUCCUMMING TO COVID-19, PARTICULARLY IN THE STATE OF COLORADO, THAT SINCE NOVEMBER, 2020, HAS 4,000 INFECTIONS A DAY, A 12% STATE WIDE INFECTION RATE, AND COVID-19, HAS MADE IT TO THIS FLORENCE, COMPOUND INFECTION PRISONERS IN ALL FOUR PRISONS, AND AT THIS SUPERMAX PRISON, AND IN MY HOUSING UNIT THAT I RESIDE IN WHERE DOZENS OF INMATES, AND OFFICERS HAVE BEEN INFECTED, AND QUARANTINED, AND MY ENTIRE HOUSING UNIT IS PRESENTLY QUARANTINED.

The court should also know that petitioner's confinement of 24 years of this supermax, and my post sentence rehabilitation is extraordinary and compelling additional factors that support time served. Moreover, various courts that have granted time served on 84B (b) life sentences and have done so based on similar facts and conditions to the petitioner. (i.e. like age 47 to 33 yrs. severe asthma, covid-19, disparity in sentencing, equity, and post sentencing rehabilitation like petitioners (among other reasons), in compassionate release motions.

Furthermore, petitioner is a layman in law, and had assistance from a season, and experience Gilhouse Lawyer to draft my compassionate release motion. Petitioner is unlikely to have his continued assistance because this Gilhouse Lawyer is one of the prisoners who became infected with covid-19, and was moved and put on quarantine.

Petitioner, does not know or fully understand the complexity of legal standards as they apply to relevant factors in relation to the statute, precedent or the sentence commission standard, among other issues that increases the likelihood of resentencing and prudently time served.

The matter is literally between life and death and without counsel in "practicable" harm is likely, and with an appointed counsel a resentencing and time served is more likely. However, petitioner now is only asking the court to order the public defenders office to review petitioner's motion for any

extraordinary, and compelling reasons that support a likely hood of merit AND resentencing, and it is so to report that back to the court, so, the court can then appoint me COUNSEL under 18 U.S.C. 3006 (a) or not.

PETITIONER, RECEIVES MONEY FROM CHILDREN, AND A FEW FRIENDS periodically to buy postage, and commissary items, but doesn't have \$ money to afford an attorney. My trial judge in that court EVEN TOLD ME at my SENTENCING that he was imposing a \$250.00 COURT FEE, but NOT A FINE BECAUSE HE KNEW I didn't have ANY MONEY ON THIS ILLEGAL 848 (b) PRISON CASE, AND CONVICTION.

Respectfully submitted

Khalif Abdul Qawi Mughaid
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USP-Rox / P.O. Box-8300
FLORENCE, CO. 81226-8300

KHALIF ABDUL QAWI MUGHAIID

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of this motion to appoint COUNSEL, First class mail postage prepaid to the published address of the U.S. Attorney's Office, for the EASTERN District of Virginia, Alexandria Division.

DATE: 12-18-2020

Khalif Abdul Qawi Mughaid
KHALIF ABDUL QAWI MUGHAIID